

Form I-601, *Application for Waiver of Ground of Inadmissibility*

I. Introduction

The Form I-601, *Application for Waiver of Ground of Inadmissibility*, is used by applicants for immigrant visas, non-immigrant fiancé visas, V visas, and adjustment of status to request a waiver of the following grounds of inadmissibility in the Immigration and Naturalization Act (INA):

- Section 212(a)(1) – health-related grounds;
- Section 212(a)(2) – criminal and related grounds,
- Section 212(a)(3)(D) - immigrant membership in a totalitarian party;
- Section 212(a)(6)(C) – misrepresentation in immigration matters;
- Section 212(a)(6)(E) - smugglers;
- Section 212(a)(6)(F) - subject to civil penalty;
- Section 212(a)(9)(B) – unlawful presence in the U.S. for at least 180 days, beginning on or after April 1, 1997, followed by departure from the U.S.

Form I-601 is also used to waive certain grounds of inadmissibility when an applicant is seeking immigration benefits under the Nicaraguan Adjustment and Central American Relief Act (NACARA), the Haitian Refugee Immigrant Fairness Act of 1998 (HRIFA), and under the Temporary Protected Status (TPS) or Violence Against Women Act (VAWA) program. Because officers at international USCIS offices are not likely to encounter these types of waiver applications, this SOP will only briefly address them.

II. Authorities and Resources

A. Applicable Statutory and Regulatory Provisions

1. Grounds of Inadmissibility and Waiver Provisions

The statutory and regulatory authority of USCIS to grant waivers is outlined in the chart below. International offices are unlikely to encounter waivers of inadmissibility that are based on HRIFA, NACARA, TPS, and VAWA; however, information regarding those provisions is included below for informational purposes.